

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER III

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CHAPTER III

CLASSIFICATION OF POSITIONS

Rule 3.1 THE CLASSIFIED SERVICE

3.1.1 POSITIONS INCLUDED

(Education Code Sections 88076, 88004)

- A. All positions established by the Governing Board and the Personnel Commission that are not exempt from the classified service by law shall be a part of the classified service of the District. All employees serving in the District's classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.
- C. Nothing in this section shall be construed to prohibit the employment of an academic employee, nor shall the possession of academic qualifications be grounds for the elimination of an individual from consideration for employment in a classified position.

3.1.2 EXEMPTIONS FROM THE CLASSIFIED SERVICE

(Education Code Sections 88076, 88078, 88004)

- A. The following positions shall be exempt from the classified service:
 - 1. Faculty and administrative positions which require academic qualifications
 - 2. Part-time recreation positions.
 - 3. Full-time students employed part-time by the District.
 - 4. Part-time students employed part-time in any college work study program, or in a work experience education program conducted by a community college district per Education Code Section 78249 and which is financed by state or federal funds.

5. Apprentice positions.
 6. Positions assigned to teach Community Services fee courses.
 7. Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the Commission when so designated by the Commission. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee; nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
 8. Community Representatives – Positions established for the employment of Community Representatives in an advising or consulting capacity for not more than 90 working days in a fiscal year.
- B. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.
- C. Special Categories (Education Code Section 88012)
1. Staff Assistants and Field Representatives: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempted from the provisions of these rules insofar as they relate to position classification, recruitment, employment, and salary setting.
 - a. Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual Board member.
 - b. If a permanent classified employee is appointed to serve in such an exempt position, he/she shall retain status as a permanent employee. If he/she is terminated from the exempt position, he/she shall have displacement rights in his/her former class in the same manner as if he/she had been laid off for lack of work or lack of funds.

2. Independent Contractors

An Independent Contractor is an individual, company or corporation engaged in an independent business of its own; a separate enterprise or business that performs services on a fee or contractual basis. Individual Independent Contractors must be recognized as professionals, requiring advanced degrees and membership in a professional society or professional organization, or persons that have special skills such as artists, musicians, entertainers, etc. A person with an employer-employee relationship with the District shall not be an Independent Contractor.

3.1.3 CLASSIFICATION OF POSITIONS EXEMPTED FROM THE CLASSIFIED SERVICE (NON-MERIT AND PROFESSIONAL EXPERT POSITIONS)

(Education Code 88076 & 88077, 88078)

The following is the process for the approval of all non-merit positions:

- A. When a new non-merit position is created, the request to fill the position shall be made through the appropriate process as prescribed by the District.
- B. The Budget Services office will send to the Personnel Commission a description of the duties and responsibilities of all positions that have been requisitioned that are proposed to be filled in non-merit classifications or to be filled utilizing Professional Experts.
- C. The Personnel Commission will review the duties and responsibilities and advise the District if they are or are not accurately described by a non-merit classification or are otherwise exempted from the classified service.
 1. If the duties are not anticipated by any of the classifications in the classified service then the Personnel Commission will approve the position as a non-merit position.
 2. If the duties are captured by an existing class specification within the classified service then the Personnel Commission will so notify the District and assign the appropriate classification to the proposed job.
- D. No position shall be filled in a non-merit classification that has not been reviewed by the Personnel Commission for allocation to the appropriate class. Faculty positions are not subject to review by the Personnel Commission.

3.1.4 "PART-TIME" DEFINED
(Education Code Section 88076)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly basis, is less than 35 hours per week.

3.1.5 EFFECT OF EXEMPTION

- A. Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Trustees.
- B. The Director of Classified Personnel shall be responsible for interpreting this policy regarding the employment of personnel.

3.1.6 RESTRICTED POSITIONS AND EMPLOYEES
(Education Code Sections 88005, 88007, 88008, 88079)

- A. Persons employed under specially funded programs and programs which are restricted to the employment of persons of low income groups, or from impoverished areas or other criteria which restricts the privilege of all citizens to compete for employment shall be considered "classified restricted" employees.
- B. Positions established from general funds in the categories as aides in an instructional setting or other positions involving personal contacts with students which are established to assist school staff personnel responsible for school community relations; educational support services for areas such as counseling, library, or health, or the correction or prevention of behavioral problems, may also be designated as "restricted".
- C. Positions established solely for the employment of persons having physical, mental, or intellectual disabilities may also be designated as "restricted."
- D. Persons employed in "restricted" positions shall be classified employees for all purposes except:
 - 1. They may not attain permanent status;
 - 2. They shall not be accorded seniority rights;
 - 3. They may not be given provisional appointments concurrent with status in a restricted position; and
 - 4. They are not eligible to compete in promotional examinations in the regular classified service.

- E. The selection and retention of restricted employees shall be made on the same basis as that of persons selected and retained in positions as part of the regular school program.
- F. The selection and retention of restricted Instructional Aides, or persons having mental disabilities, shall not be subject to the examination procedure prescribed in Chapter V of these Rules.
- G. At any time after completion of six months of satisfactory service, employees serving in restricted positions may take such a qualifying examination as is required for all other persons serving in the same class. If an employee successfully completes the examination and attains placement on the eligibility list, as a result thereof, and regardless of his numerical standing on the eligibility list, he shall be considered a part of the regular classified service even though he may continue to serve in a restricted position, and be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted as of the date of the employee's initial appointment to the restricted position.
- H. Funds derived from the Federal Emergency Employment Act or any similar law enacted to provide transitional employment in public service positions for unemployed or underemployed persons shall not be expended for work that:
 - 1. Would otherwise have been performed at federal, state, or local expense;
 - 2. Will not result in an increase in the employment which would otherwise be available;
 - 3. Which would result in the displacement of members of the classified service, including partial displacement, such as reduction in the hours of non-overtime work or wages or employment benefits;
 - 4. Which will impair the existing rights of permanent members of classified service;
- I. Notwithstanding the provisions of this Rule, positions which are established pursuant to Title VI of the Comprehensive Employment Training Act of 1973 (CETA) as amended and which are limited to projects of not more than one year duration shall be exempt from the classified service.

3.1.7 WEEKEND/HOLIDAY POSITIONS

(Education Code Sections 88204 and 88026)

- A. The Governing Board may, in accordance with Education Code Section 88204, create a position or class of positions which requires and permits the holders of such positions(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created the Commission shall, in classifying the position:
1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required to work.
 2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday. However overtime shall be paid for hours required to be worked in excess of 8 on any Saturday, Sunday or holiday unless the class is specifically exempted in accordance with Education Code Section 88026 (for example, recreation and security classes).
 3. Assure itself that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is being create d to avoid overtime payment, it shall refuse to classify the position(s) and will notify the Governing Board accordingly.

Rev. approved by Personnel Commission 03/21/18

Rule 3.2 **GENERAL CLASSIFICATION RULES**
(Education Code Sections 88004, 88009, 88010, 88081, 88087, 88095, 88104.5)

3.2.1 **PRINCIPLES OF POSITION CLASSIFICATION**

Under the provisions of the Merit System, the Personnel Commission seeks to provide fair compensation to all employees in the classified service on the basis of "like pay for like work." In establishing a classification plan for the District, the Personnel Commission seeks to maintain a reasonable balance between broad and narrow classifications. A broad classification groups positions according to more general activities, and a narrow classification places positions with very specialized requirements into distinct classes. Broad groupings have been found to be more appropriate to entry-level positions and narrow groupings to be more effective for technical and specialized positions.

3.2.2 ASSIGNMENT OF DUTIES

(Education Code Section 88009)

- A. The Board of Trustees shall fix and prescribe the duties to be performed by all persons in the classified service and other non-academic positions, except those on the Personnel Commission staff.

3.2.3 GENERAL CLASSIFICATION PLAN

- A. The Personnel Commission shall classify all positions within the jurisdiction of the Board of Trustees or the Commission, except those positions that the Personnel Commission determines are exempt from the classified service, pursuant to Rule 3.1.2.
- B. For purposes of this Rule, classification responsibilities of the Personnel Commission shall include, but not be limited to:
 - 1. Establishing minimum qualifications for regular employment in each classification;
 - 2. Allocation of all classified positions to appropriate classes;
 - 3. Arrangement of job classifications into occupational hierarchies (job families);
 - 4. Recommending reasonable relationships between job classifications within a series or job discipline;
 - 5. Preparation of written classification descriptions.
- C. The Personnel Commission shall maintain a classification plan for all positions in the classified service organized by class series, job discipline, and job family. The list of job classifications shall contain designation of the salary range applicable to each class.

3.2.4 CLASSIFICATION DESCRIPTIONS

- A. For each position, as initially or subsequently established by the Board of Trustees, there shall be established and maintained a classification description approved by the Personnel Commission which shall include:
1. The official class title;
 2. A statement of the concept of the class, generally defining the type of duties and responsibilities that would typically be performed by positions in the class;
 3. A statement of distinguishing characteristics that differentiates the class from other related or similar classes;
 4. A statement of the range of supervision received;
 5. A statement of the range of supervision exercised;
 6. A listing of the examples of typical duties to be performed by persons holding positions allocated to the class. This list shall not be construed to be exhaustive and/or restrictive, but descriptive and illustrative of the types of duties that may be performed by persons holding positions in the class;
 7. A listing of the critical knowledge, skills and abilities which an applicant or an employee must possess to successfully perform the essential duties of the positions in the class;
 8. A statement of the minimum qualifications for service in the particular class. The minimum qualifications may include education, experience, and/or any license, certificates or other special requirements for employment or service in the particular class; and must reasonably relate to the assigned duties of any position allocated to the class;
 9. A statement about the working environment and physical demands of positions allocated to the class;
 10. Any preferred or desirable qualifications.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 09/18/18

3.2.5

INTERPRETATION OF CLASSIFICATION DESCRIPTIONS

- A. The classification descriptions and their various parts shall be interpreted according to the following rules:
1. The concept of the class and examples of duties are descriptive and illustrative only and not restrictive and exhaustive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
 2. The description for each classification is considered as a whole in determining the class to which any position shall be allocated, giving consideration not to isolated clauses, phrases, or words, apart from their context but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions included in the class. A classification is deemed appropriate when it describes eighty (80) percent of the duties and responsibilities assigned to a position.

Section 3.2.5.A

3. Each classification description is construed in its proper relationship to other descriptions, particularly those of classes in the same series, in such manner as to maintain a proper gradation and differentiation within the series in which the class is located.
4. The statement of minimum qualifications, when considered with other parts of the classification description, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualifications of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.
5. The classification title shall always be used with the meaning set forth in the remainder of the description.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 09/18/18

3.2.6 CREATION OF NEW CLASSIFICATIONS

- A. The Personnel Commission will create a new job classification when the duties of a new or existing position are not captured adequately under an existing job classification. The Personnel Commission will recommend an appropriate salary allocation based on a review of internal alignment and external market comparisons, if available.
- B. A job classification is a position or group of positions determined by the Personnel Commission as having duties and responsibilities sufficiently similar so that each position in the class:
 1. Can be given the same classification title;
 2. Has essentially the same requirements of education and experience;
 3. Can be filled through the same examination;

4. Can equitably receive the same compensation.
- C. All new classifications must be approved by the Personnel Commission and the Board of Trustees.

3.2.7 CREATION OF NEW POSITIONS

(Education Code Sections 88095, 88076)

- A. When District management proposes to create a new position, it shall provide information requested by the Director of Classified Personnel as necessary to determine the appropriate classification.
- B. All positions which consist of comparable duties, responsibilities, and qualifications shall be allocated to the same class.

3.2.8 REORGANIZATION OF POSITIONS

- A. Reorganization of a position shall be defined as a management initiated change in organization, staffing, and/or work distribution resulting in the assignment or change of a substantial part of the regular duties or responsibilities of a position.
- B. Whenever the immediate supervisor proposes to reorganize a position, he/she shall prepare a Position Description Questionnaire (PDQ) specifying the new duties to be assigned and/or the duties to be changed. He/she shall submit the PDQ for all required administrative approval signatures. A copy shall be sent immediately to the Director of Classified Personnel.
- C. Upon administrative approval the Director of Classified Personnel shall conduct a review of the proposed addition(s) and/or change(s) to the duties of the position in order to determine if the position should be allocated to a different class.

Section 3.2.8.D

- D. The Director of Classified Personnel shall base his/her determination on the following factors:
 - 1. Whether the overall addition and/or change of duties represents a major change in the level of responsibility of the position.
 - 2. Whether the addition and/or change of duties is significant enough to require a substantial change in the qualification requirements of the position.
- E. The Director of Classified Personnel shall report his/her findings to the immediate supervisor and the appropriate administrative staff. If he/she determines that the change constitutes a reorganization, and the change is administratively approved, the proposed reorganization shall be presented to the Board of Trustees to approve the abolishment of the old position and the establishment of a new position. The Director of Classified Personnel shall then prepare a recommendation to the Personnel Commission for classification of the position as described above in Rule 3.2.5.
- F. Reorganized positions shall be filled through regular competitive examination procedures. Incumbents of reorganized positions who are not appointed to the new position may be eligible to exercise transfer or bumping rights as provided in Rule 13.3.

Rev. approved by Personnel Commission 01/07/04

3.2.9 CLASSIFICATION SYSTEM MAINTENANCE

- A. The Director of Classified Personnel shall review the duties and responsibilities of positions as necessary to determine their proper classification. All class descriptions shall be reviewed at least once every five years. Each year the Director of Classified Personnel shall prepare a schedule of anticipated review projects and present it for approval to the Personnel Commission. The Personnel Commission shall maintain a system of continuous classification review.

Section 3.2.9.B

- B. When conducting a review of class descriptions, the study process shall generally include the following steps:
1. An introductory meeting with incumbents and supervisors to explain the study procedure. For represented classifications, the applicable bargaining unit shall be invited to attend the introductory meeting.
 2. Completion of Position Description Questionnaires by incumbents.
 3. Review and approval of questionnaires by appropriate supervisors.
 4. Audit of positions by the Personnel Commission staff.
 5. Data review and salary data gathering by the Personnel Commission staff.
 6. Presentation of findings and recommendations to supervisors, managers, senior staff, incumbents, and bargaining unit representatives, if applicable.
- C. Following the conclusion of this process, the Director of Classified Personnel shall present final findings and recommendations to the Personnel Commission for action.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 10/17/18

3.2.10 WORKING OUT OF CLASS (Education Code Section 88010, 88087, 88105-88107)

A. Concept of Working Out of Classification

1. Each classified employee shall be required to perform the duties of the position approved by the Board and classified by the Personnel Commission for the class to which he or she is assigned. Each employee may be required to perform other related duties consistent with the concept of the classification to which the position is assigned.
2. Classified employees shall not be required to perform duties and responsibilities which are not fixed and prescribed for their positions or are not consistent with the concept of the classification of their current position for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period, or equivalent (i.e., four 10-hour working days within a fifteen (15) day calendar period).
3. Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification. No employee shall be assigned to work out of class beyond the time limits specified in Merit Rule 7.2 (Provisional Appointments) and Merit Rule 7.4 (Limited Term Appointments).

B. Procedure for Supervisor Requesting Approval for Working Out of Class

1. The supervisor shall request approval for an employee to work out of class when an employee is assigned to perform duties that are not allocated to the existing class. Requests shall be submitted to the Director of Classified Personnel on the approved form.
 - a. The request shall be submitted no later than ten (10) working days after the start of the assignment.
 - b. The request must contain a list of the newly assigned duties and must be approved by the supervisor, department head and the appropriate Vice President.
2. The Personnel Commission shall conduct a review of the newly assigned duties and shall determine whether they are at a higher range. The Director of Classified Personnel shall prepare a report of the findings, including the recommended pay differential, if any, for the temporary assignment.
3. The Director of Classified Personnel will advise the Office of Human Resources of the findings and shall present those findings, including the recommended pay differential, to the Personnel Commission for approval. Confirmation of this approval shall then be sent by the Personnel Commission to the supervisor and the employee, and forwarded to the Board for final approval.

C. Salary Adjustments for Working Out of Class

1. When the Director of Classified Personnel determines that an employee is working out of class for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period or equivalent (i.e., four 10-hour working days within a fifteen (15) calendar day period), the employee shall be compensated as follows:
 - a. The salary of the employee shall be adjusted upward to the appropriate pay differential in the higher classification for the entire time the employee has been working out of classification. Upon determination by the Personnel Director, the employee working at the higher classification level less than 50% of the duration of the working out of class assignment will receive 50% of the pay differential; the employee working at the higher classification level at least 50% of the duration of the working out of class assignment will receive 100% of the pay differential.
 - b. No changes shall operate to disturb the relationship that compensation schedules bear to one another, as the relationship has been established in the classification made by the Personnel Commission.

D. Employee Rights and Responsibilities

If, after consultation with the immediate supervisor, the employee believes that assigned duties are at a higher range for a substantial part of the assignment, the employee shall notify the Director of Classified Personnel, in writing, no later than forty-five (45) working days after the start of the assignment.

- E. Any request submitted after the applicable time period shall take effect only from the date of receipt in the Personnel Commission Office.

3.2.11 POSITIONS REQUIRING SPECIAL LANGUAGE OR SKILLS

The Board of Trustees may request that the Personnel Commission designate certain positions within a class or classes to require the holder of the position to possess a special skill, license or language. The District must clearly set forth valid reasons for requesting such special requirements. The duties of the position must be the same as those for all other positions within the classification, except for this special requirement. Examples of special requirements may include the need for the incumbent to routinely and consistently read, speak and write a language other than English; an administrative secretary classification where one position requires the routine use of shorthand skills, or a gardener classification where one position requires a pesticide certificate.

- A. The commission shall have the right to designate a differential salary rate to compensate incumbents in such special positions for their special skills. Such differential rates shall correspond to the salary schedule percentages between the ranges.
- B. If a request to designate a position in a class as requiring a specialized skill is challenged, the Personnel Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

3.2.12 CONFIDENTIAL DIFFERENTIAL
(Government Code 3540.1)

The Board of Trustees may designate certain positions confidential. A confidential employee is any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The Board of Trustees' determination that a position is "confidential" is subject to review by the Personnel Commission. The Personnel Commission does not have the right to overturn the Board's designation of a position as confidential, but has the right to inform the Board of the position's classification and pay relationships.

Section 3.2.12.A

- A. The Commission shall have the right to designate a differential salary rate to compensate incumbents in confidential positions for the unique nature of the position.

Rev. approved by Personnel Commission 11/14/18

Rule 3.3 RECLASSIFICATION (Education Code Section 88104)

3.3.1 RECLASSIFICATION OF POSITIONS

- A. The basis for reclassification of a position shall be the gradual accretion or growth of duties, and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities.

Rev. approved by Personnel Commission 03/20/19

Section 3.3.1.B

- B. To qualify for reclassification, the change in duties and responsibilities must:
 - 1. Affect a significant portion of the duties and responsibilities of the position;
 - 2. Be so significant as to clearly warrant a change in the title and qualification requirements needed to perform the duties of the position;
 - 3. Occur through a gradual accretion of duties and not occasioned by the sudden assignment of wholly new duties.
- C. Recommendations as to the gradual accretion will be made by the Director of Classified Personnel. The Personnel Commission shall be the final approving authority.
- D. The supervisor shall contact the Director of Classified Personnel prior to making any sudden or permanent change in the duties of a classified employee.

Rev. approved by Personnel Commission 03/20/19

3.3.4 DEFINITION OF GRADUAL ACCRETION (Education Code 88104 amended)

Gradual accretion of duties is the change over time in the duties and responsibilities of a position, and not those occasioned by a sudden addition or deletion of duties. For purposes of these Rules, gradual accretion of duties must occur over two (2) or more years of regular service.

3.3.5 RECLASSIFICATION ANALYSIS
(Education Code 88081)

Determination as to whether gradual accretion has occurred will be based on an analysis of the duties and responsibilities currently assigned to the position. The analysis will consist of a review of the old Position Description Questionnaire (PDQ) compared to the new one submitted with the reclassification request. The analysis will assess:

- A. The nature and scope of each identified change in duties and responsibilities.
- B. The date the incumbent began the performance of the newly acquired duties and responsibilities.
- C. Clear and convincing evidence of the employee's continuing performance of the added duties and responsibilities.
- D. The extent to which the new duties and responsibilities are more accurately defined by a different classification than the one in which the position currently resides.

3.3.6 REQUESTS FOR RECLASSIFICATION

- A. Requests for reclassification of an existing position shall be submitted in writing to the Director of Classified Personnel.
- B. The supervisor, the employee, or the collective bargaining unit representing employees in positions in the subject classification may initiate a request.
- C. The written request shall include a statement indicating the reason(s) the supervisor and/or the employee feel the reclassification is justified.
- D. A completed Position Description Questionnaire (PDQ) showing the new duties and responsibilities must accompany the request.
- E. At least two (2) years must elapse before another request for reclassification can be initiated for the same position.

3.3.7 RECLASSIFICATION REVIEWS

- A. Within fifteen (15) calendar days from receipt of a reclassification request, the Director of Classified Personnel shall provide the employee with written acknowledgement indicating the general expected time schedule for the audit of the position.
- B. The audit of the position shall be conducted according to the procedures approved by the Director of Classified Personnel and shall include the appropriate steps of the process listed in Rule 3.2.8, Review of Positions.

Rev. approved by Personnel Commission 01/07/04

3.3.8 NOTIFICATION OF RECLASSIFICATION
(Education Code 88076, 88104.5)

The Director of Classified Personnel will provide a notification of the results of the reclassification audit to the incumbent(s) affected, supervisor(s), the District administration and the employee's exclusive representative within sixty (60) calendar days. The notice will indicate whether the audit findings support reclassification up or down, or that the position be sustained in the current classification. Notice of the recommendation will be given to all the parties listed above before the Personnel Commission adopts the classification proposal.

3.3.9 EFFECTIVE DATE OF RECLASSIFICATION
(Education Code 88104, Amended August 2003; and 88104.5)

- A. Changes in classification and salary resulting from the permanent reclassification of a position shall be effective no later than whichever of the following dates is applicable:
 - 1. The first day of the month following the date on which the Personnel Commission takes action to approve reclassification of the position, provided the employee is eligible to be reclassified with his/her position without examination as specified in these rules.

Section 3.3.9.A

2. The first day of the month following the date the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure.
- B. Reclassification of a position shall not have retroactive effect.

3.3.10 RECLASSIFICATION OF A VACANT POSITION

If a reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

3.3.11 EFFECTS OF RECLASSIFICATION ON INCUMBENTS (Education Code Section 88104)

Whenever a position or entire classes of positions are reclassified, the rights of the incumbents will be determined in accordance with these Rules and Regulations.

A. Reclassification Upward

When all of the positions in a class are reclassified to a higher class, the incumbents in the positions who have been in the class for two (2) or more years may be reclassified by the Personnel Commission to the higher class.

The reclassification of positions to a higher salary range shall have the following effect on incumbents:

1. When one or more positions in a class, are reclassified to a higher classification, the incumbent or incumbents who have a continuous employment record of two (2) or more years in the class shall be reclassified with the position, without examination.

Section 3.3.11.A

2. When one or more positions in a class are reclassified to a higher classification, the incumbents who do not have a continuous employment record of two (2) or more years in the class shall not be reclassified to the higher class. Positions in the higher class will be filled through competitive examination that shall include a promotional examination open to permanent employees of the District. Incumbents who are unsuccessful in the examination may exercise the same rights as listed in Rule 13.3.1(B).
3. When one or more positions in a class are reclassified to a higher classification, the incumbents who do not have a continuous employment record of two (2) or more years in the class shall not be reclassified to the higher class. Positions in the higher class will be filled through competitive examination that shall include a promotional examination open to permanent employees of the District. Incumbents who are unsuccessful in the examination may exercise the same rights as listed in Rule 13.3.1(B).
4. The salary placement of an incumbent who is reclassified upward with his/her position shall be in accordance with Rule 12.2.10.

B. Reclassification Downward

The reclassification of a position or group of positions to a class with a lower salary range, shall have the following effect on incumbents:

1. If the incumbent has been performing satisfactorily, he/she shall be transferred to any vacant position for which he/she is qualified and which is at his/her present salary range. If no vacancy exists, the employee may elect one of the following:
 - a. to demote in place;
 - b. to transfer to a vacant position at the same range;
 - c. to bump in class or to a previous lower class;
 - d. to be laid off.

C. Abolishment of Position

When a position is abolished, the incumbent may be transferred, demoted, or laid off, as determined by these rules.

D. Period of Ineligibility for Reclassification

An employee who has been reclassified with his/her position, shall be ineligible for subsequent reclassification with his/her position for a period of at least two (2) years from the date on which the reclassification became effective.

E. Effect of Reorganization or Reassignment on Classification

Any positions which are created or changed as a result of a sudden reorganization or assignment of new duties and responsibilities shall be filled through normal competitive selection processes as provided in these rules. This rule shall apply to positions that are occupied at the time of reclassification. If reclassification occurs in a vacant position, the position shall be filled through normal selection processes as determined by these rules.

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3.3.12 REEMPLOYMENT LIST FOR DISPLACED INCUMBENTS

- A. Any displacement of a regular employee which results from the reclassification of a position or class of positions, shall be considered a layoff for lack of work and an appropriate reemployment list shall be established in accordance with these rules. The employee shall have the right of reemployment into his/her previous classification for a period of up to 39 months, provided that the class has not changed substantially or been abolished as the result of a classification study.
- B. This rule shall be followed in all instances where reclassification has resulted in a position or group of positions being upgraded, downgraded, sustained, or laterally reallocated to a new classification.

3.3.13 REAPPRAISAL OF ELIGIBILITY LIST DUE TO RECLASSIFICATION

The reclassification of all positions in a class automatically changes the mandatory reemployment list (if any) for that class. The Personnel Commission shall also review the appropriateness of the current eligibility for the class, if any, to determine whether or not it should be changed to reflect the new class title or abolished. The Director of Classified Personnel shall recommend to the Personnel Commission whether the current eligibility and employment lists are to be reclassified. Salary reallocation of classes shall have no effect on lists, unless the Personnel Commission makes a specific finding to the contrary.

3.3.14 IMPACT OF RECLASSIFICATION ON SENIORITY

An employee who is reclassified transfers his or her seniority to the new classification.

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